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Dicta Editorial Board

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EXCESSIVE PUBLICITY IN CRIMINAL TRIALS

From American Bar Association

AT ITS mid-winter meeting in Chicago on January 13-17, the Executive Committee of the American Bar Association received the report and specific recommendations of the special committee created by the association, in its section of Criminal Law, to consider and report as to the ways and means of curbing excessive publicity in connection with criminal trials. The special committee was composed of Ex-Judge Oscar Hallam of Minneapolis, Minnesota; John Kirkland Clark of New York City; Dean Albert J. Harno of the Law School of the University of Illinois; and Charles P. Taft, II, of Cincinnati, Ohio.

Although this report originated in various phases of the press and radio activity in connection with the Hauptmann trial, the Executive Committee of the American Bar Association considered the matter in its broader aspects, as to the prevention of publicity interfering with fair trial and orderly determination in connection with other judicial and quasi-judicial proceedings, including civil as well as criminal trials. The incidents of the Hauptmann trial were not regarded as solitary. The Executive Committee voted that association create a special committee of its members, to act in cooperation with committees from press and radio organizations, to see if sound and practicable standards can be formulated as to such publicity, for enforcement through rules of Court and the action of press and radio associations, as well as by the lawyers. The recommendations as to the conduct of criminal trials will be the starting-point for the work of the joint committee.

In making public the recommendations of the special committee which reviewed the publicity incident to the Hauptmann trial, President Ransom reiterated that "The

American Bar Association and its special committee have not in any way concerned themselves with the guilt or innocence of Bruno Hauptmann, but have considered only the feasibility of corrective measures for the future. The committee passed no judgment on the guilt or innocence of Hauptmann, whose guilt has been found by the Courts to be established by the evidence."

The report of the special committee has not been made public at this time. The recommendations of the special committee are:

"In the foregoing report we have tried to make a fair presentation of salient facts. We have been moved less by spirit of censure than by hope of remedial action. The excesses we have described differ from practices in many other cases mainly in degree.

"The trial of a criminal case is a business that has for its sole purpose the administration of justice, and it should be carried on without distracting influences.

"Passing from the general to the specific we recommend:

"That attendance in the courtroom during the progress of a criminal trial be limited to the seating capacity of the room.

"That the process of subpoena or any other process of the court should never be used to secure preferential admission of any person or spectator; that such abuse of process be punished as contempt.

"That approaches to the courtroom be kept clear, to the end that free access to the courtroom be maintained.

"That no use of cameras or photographic appliances be permitted in the courtroom, either during the session of the court or otherwise.

"That no sound registering devices for publicity use be permitted to operate in the courtroom at any time.

"That the surreptitious procurement of pictures or sound records be considered contempt of court and be punished as such.

"That the courtroom and the court house be kept free from news distributing devices and equipment.

"That newspaper accounts of criminal proceedings be limited to accounts of occurrences in court without argument of the case to the public.

"That no popular referendum be taken during the pendency of the litigation as to the guilt or innocence of the accused.

"That broadcasting of arguments, giving out of argumentive press bulletins, and every other form of argument or discussion addressed to the public by lawyers in the case during the progress of the litigation be definitely forbidden.

"That bulletins by the defendant issued to the public during the progress of the trial be definitely forbidden.

"That public criticism of the court or jury by lawyers in the case during the progress of the litigation be not tolerated.

"That featuring in vaudeville of jurors or other court officers, either during or after the trial, be forbidden.

"That the giving of paid interviews or the writing of paid articles by jurors, either during or after the trial, be forbidden.

"That the atmosphere of the courtroom and adjacent premises be maintained as one of dignity and calm."

At the annual luncheon in connection with the mid-winter meeting of the Ohio State Bar Association on January 17, Frank J. Hogan, member of the Executive Committee of the American Bar Association, spoke on "Trials and Publicity." On January 18, the *Toledo News-Bee*, member of the Scripps-Howard Press, said editorially:

"If the Bar Association of America can state a code of ethics covering the publicity of trials which is sensible and which does not violate decent practices of free publication, and if they can discipline the members of their own profession to abide by that code, they will be met more than half way at any time by the great majority of newspapers, and by the heads of the two great press services of the land."

James D. Fisher, formerly manager of the Estates Division of the Colorado National Bank, recently took up his residence at 656 South Ridgely Drive, Los Angeles, California, and has located temporarily with Benjamin T. Weinstein, also formerly of Denver, at 927 Security Building. It is Mr. Fisher's desire to apply for admission to the California bar.

LAW OFFICE LOCATION

Mrs. Pearl Klockenteger, Flagler, Colo., has asked DICTA to state that she has for sale the law office, good library and a good practice left by her late husband, at Flagler. She will furnish full information concerning the same to any interested party.